

HOUSE BILL 2571

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to eligibility for pretrial and
judicial diversion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-15-105(a)(1)(B)(iii), is amended
by adding the following new subdivisions:

- () Attempt to commit official misconduct under § 39-16-402;
- () Conspiracy to commit official misconduct under § 39-16-402;
- () Any misdemeanor offense committed by an elected or appointed person in
the executive, legislative or judicial branch of the state or any political subdivision of the
state, which offense was committed in the person's official capacity or involved the
duties of the person's office;

SECTION 2. Tennessee Code Annotated, Section 40-35-313, is amended by deleting
subdivision (a)(1)(B)(i)(b) in it's entirety and substituting instead the following:

(b)

(1) Is not seeking deferral of further proceedings for a sexual offense, a
violation of § 71-6-117 or § 71-6-119, a violation of § 39-16-402, or an attempt or
conspiracy to commit a violation of § 39-16-402, driving under the influence of an
intoxicant as prohibited by § 55-10-401, or a Class A or B felony;

(2) Is not seeking deferral of further proceedings for any offense
committed by any elected or appointed person in the executive, legislative or
judicial branch of the state or any political subdivision of the state, which offense
was committed in the person's official capacity or involved the duties of the
person's office;

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.